

## REMARKS

Applicants appreciate the consideration shown by the Office, as evidenced by the FINAL Office Action, mailed on July 21, 2003. In that Office Action, the Examiner rejected Claims 1-5, 7, 9-13, 15, 17-19 and 22 and objected to Claims 6, 8, 14 and 16.

The July 21 Office Action has been carefully considered. After such consideration, Claims 1, 9, 17, 19, and 22 have been amended for clarification purposes to recite 'said tool having pre-determined topological features for simulating streaking phenomenon', and 'further analysis in terms of overall data shape and average peak or valley shift'. Applicants respectfully request reconsideration of the application by the Examiner in light of the above amendments and the following remarks offered in response to the July 21 Office Action.

### Rejections under 35 U.S.C. §103(a)

Claims 1-4, 9-12, 17, 18, 19 and 22 have been rejected under 35 U.S.C. §103 (a), as being unpatentable over U. S. Patent 4,920,385 issued to Clark et al., in view of U. S. Patent 5,528,368 issued to Lewis et al., in further view of U. S. Patent 5,149,547 issued to Gill.

Applicants respectfully submit that independent Claims 1, 9, and 17 have been amended for clarification purposes to recite the limitation that said tool has pre-determined topological features for simulating streaking phenomenon'.

Applicants respectfully submit that, in order to establish a *prima facie* case of obviousness, the references must teach or suggest all of the claim limitations of the present invention. Accordingly, Applicants submit that neither Clark et al. nor Lewis et al. nor Gill et al. teach or suggest all the elements of the claimed invention. Namely, neither of the references teaches nor suggests that the tool has pre-determined topological features for simulating streaking phenomenon. Clark et al. does not teach the use of any molding tool for producing plastic parts. Lewis et al. teaches a spatially-resolved spectrometer and spectroscopic imaging techniques for collecting data readings of reflected light from material samples and further discloses the use of computer for

analyzing, filtering and processing the data readings (Abstract, Summary of Invention, CL1-L20, 32, 54, CL2-L41-64, CL40-L52, CL5-L3, 7, 47, 52, CL6-L11, 20, CL8-L38-58, CL10-L23). Gill et al. teaches a molding tool for producing plastic parts comprising a cavity and gate (multiple) where plastic is extruded to produce plastic parts (Abstract, Summary of Invention, CL2-L26, 43, 57-6, CL7-42, Fig. 2).

Applicants therefore submit that, because the combination of references cited by the Examiner neither teaches nor suggests all of the limitations of amended Claims 1, 9, and 17 the rejection of the claims and the claims dependent thereon under 35 U.S.C. §103(a) as being unpatentable over Clark et al. in view of Lewis et al. in view of Gill et al. is successfully overcome.

Applicants respectfully submit that, as presented above, the rejection of independent Claims 1, 9, and 17 under 35 U.S.C. §103(a) has been overcome. As no outstanding rejections of these claims remain, Claims 1, 9, and 17 are now in condition for allowance. Because Claims 1, 9, and 17 contains allowable subject matter, the Claims depending therefrom are allowable as well. Therefore, the rejection of Claims 2-4, 10-12, and 18 as being unpatentable over Clark et al. in view of Lewis et al. in view of Gill et al. is. under 35 U.S.C. §103(a) is now moot.

Claims 5, 7, 13, and 15 have been rejected under 35 U.S.C. §103 (a), as being unpatentable over U. S. Patent 4,920,385 issued to Clark et al., in view of U. S. Patent 5,528,368 issued to Lewis et al., in further view of U. S. Patent 5,149,547 issued to Gill and in view of Official Notice.

Applicants again respectfully submit that, as presented above, the rejection of independent Claims 1, 9, and 17 under 35 U.S.C. §103(a) has been overcome. As no outstanding rejections of these claims remain, Claims 1, 9, and 17 are now in condition for allowance. Because Claims 1, 9, and 17 contains allowable subject matter, the Claims depending therefrom are allowable as well. Therefore, the rejection of Claims 5, 7, 13, and 15 as being unpatentable over Clark et al. in view of Lewis et al. in view of Gill et al. is. under 35 U.S.C. §103(a) is now moot.

Claims 1-5, 7, 9-13, 15, 17-19, and 22 have been rejected under 35 U.S.C. §103(a), as being unpatentable over U. S. Patent 5,541,413 issued to Pearson et al., in view of "The Scientist and Engineer's Guide to Digital Signal Processing", S. W. Smith, California Technical Publishing, ISBN:0-9660176-7-6, 1997, in further view of U.S. Patent 5,149,547 issued to Gill.

Applicants respectfully submit that independents Claim 1, 9, and 17 have been amended to recite the limitation that said tool has pre-determined topological features for simulating streaking phenomenon. Also, independent Claims 19 and 22 have been amended to recite the limitation of 'further analysis in terms of overall data shape and average peak or valley shift'.

Applicants respectfully submit that, in order to establish a *prima facie* case of obviousness, the references must teach or suggest all of the claim limitations of the present invention. Accordingly, Applicants submit that neither Pearson et al. nor Smith et al. nor Gill et al. teach or suggest all the elements of the claimed invention. Namely, neither of the references teaches nor suggests that further analysis in terms of overall data shape and average peak or valley shift. Pearson et al. does not teach a shift calculation in processing the data points or the use of a molding tool for producing plastic parts but instead teaches an optical filter based surface scanning system for identifying defects in manufactured materials (including plastic parts) using a spectrometer and spectroscopic imaging techniques for collecting data readings of reflected light from material samples and discloses the use of a processor for analyzing, filtering and processing the sampled data readings (Abstract, Summary of Invention, CL3-L55, CL4-L60, CL5-L20-35, CL6-L35-65, CL7-L18-35, CL10L18-63, Figs. 1-4, 6). Smith et al. does not teach the use of a molding tool for producing plastic parts but instead teaches digital signal processing techniques for sampled data including extracting peak values, determining, setting and extracting thresholds, calculating the mean value, calculating average values, data sampling, extracting/identifying min/max (extreme) points, digital filtering, moving filter (shifting in processing optimizing the filtering task), and digital techniques for characterization of spatial resolution (Chapters 2, 3, 14, 15 and 25, especially pp.1-17, 35-39, 59, 261-275, 277-281, Figs. 15-1 – 15-3). Gill et al. does not teach a molding tool

with pre-determined topological features for simulating streaking phenomenon but instead teaches a molding tool for producing plastic parts comprising a cavity and gate (multiple) where plastic is extruded to produce plastic parts (Abstract, Summary of Invention, CL2-L26, 43, 57-6, CL7-42, Fig. 2).

Applicants therefore submit that, because the combination of references cited by the Examiner neither teaches nor suggests all of the limitations of amended Claims 1, 9, 17, 19, and 22 the rejection of the claims and the claims dependent thereon under 35 U.S.C. §103(a) as being unpatentable over Pearson et al. in view of Smith et al. in view of Gill et al. is successfully overcome.

Applicants respectfully submit that, as presented above, the rejection of independent Claims 1, 9, 17, 19, and 22 under 35 U.S.C. §103(a) has been overcome. As no outstanding rejections of these claims remain, Claims 1, 9, 17, 19 and 22 are now in condition for allowance. Because Claims 1, 9, 17, 19, and 22 contains allowable subject matter, the Claims depending therefrom are allowable as well. Therefore, the rejection of Claims 2-5, 7, 10-13, 15, 18, and 20 as being unpatentable over Pearson et al. in view of Smith et al. in view of Gill et al. is. under 35 U.S.C. §103(a) is now moot.

#### Objections: Allowable Subject Matter

In the re-presented office action, Claims 6, 8, 14, and 16 have been objected to as being dependent upon a rejected base claim. The Examiner indicates that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants respectfully submit that, as presented, the rejection of independent Claims 1 and 9 under 35 U.S.C. §103(a) has been overcome. As no outstanding rejections of these claims remain, Claims 1, and 9 are now in condition for allowance. Because Claims 1 and 9 contains allowable subject matter, the Claims depending therefrom are allowable as well. Therefore, the objection to of Claims 6, 8, 14 and 16 as being dependent upon a rejected base claim is now overcome.

In light of the amendment and remarks presented herein, Applicant submits that the case is in condition for immediate allowance and respectfully requests such action. If,

Serial No.: 09/303,409  
Amdt. Dated Sept. 21, 2003.  
Reply to Office action of July 21, 2003.

however, any issues remain unresolved, the Examiner is invited to telephone the Applicant's counsel at the number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'P. Patnode', written over a horizontal line.

Patrick Patnode

Counsel for Applicant

Registration No. 40,121

Telephone: (518) 387-5286

Schenectady, New York

September 21, 2003